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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,945	09/08/2004	Wieslaw Waclawek	WWA01-USA	8865

7590 05/22/2006
Miroslaw Paczusi
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Center Valley, PA 18034

EXAMINER

WAGGONER, TIMOTHY R

ART UNIT	PAPER NUMBER
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3651

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/506,945	Applicant(s) WACLAWEK, WIESLAW	
	Examiner Timothy R. Waggoner	Art Unit 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,6,8 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,6,8 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 1 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Claims 2,4,5 and 9-17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 04/05/2006.

Applicant's election with traverse of Species VIII in the reply filed on 04/05/2006 is acknowledged. The traversal is on the ground(s) that examining the additional claims would not be burdensome. This is not found persuasive because examination of these additional claims would involve the search and identification of prior art not required for some of the other species.

The requirement is still deemed proper and is therefore made FINAL.

Claim Objections

Claim 1 is objected to because of the following informalities: in line 1 "dispense" should be dispensing. Appropriate correction is required.

Claim 20 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 20 recites the same limitation as the last two lines of claim 19 to which it depends.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,3,6,8, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kadlic USPN 4,377,285 in view of Nicoletti USPN 4,750,743.

(Re claim 1) Kadlic discloses “a hexahedral block with symmetrical sides, limiting the dimension of the dispenser trunk according to the dimension of the cards” (12 figure 1). “dispenser is closed from the front side by an inclined front plate having a hole with arched limitation at the top (32 figure 1) ... a rectangular clearance hole (28 figure 1)”. “raised by the socle” (22 figure 4). “a shaped receiver” (28 figure 4).

Kadlic does not disclose the “shaped receiver in the form of a cube ... outlet for cards is raised”.

Nicoletti teaches a shaped receiver in the form of a cube and the outlet is raised (27 figure 5, Nicoletti).

It would be obvious to one skilled in the art to modify the shaped receiver to be raised and cubed shaped as taught by Nicoletti, because it allows cards to be picked up instead of slid out.

(Re claim 3) “the opposite longer edges of the shaped receiver are placed as high as the supporting surface” (27 figure 5, Nicoletti).

(Re claim 6) “shaped receiver create an integral part and at the same time the extension of the socle assembled on the base” (22,28 figure 4).

(Re claim 8) “the protruded shaped receiver creates an integral unity with the dispenser trunk” (22 figure 4).

(Re claim 18) Kadlic discloses “a dispenser base having an upper surface having dimensions to accommodate cards placed on the upper surface” (40 figure 4). “Container shaped as a rectangular block enclosing the dispensing base” (12 figure 1). “closed at a front by an inclined front plate” (35 figure 1). “rectangular outlet” (28 figure 1). “narrower opening at a top” (32 figure 1). “a receiver” (28 figure 4).

Kadlic does not disclose the receiver being cube shaped raised to at least the height of the bottom edge of the outlet.

Nicoletti teaches a cube shaped receiver that is raised to at least the height of the bottom edge of an outlet.

It would be obvious to one skilled in the art to modify the receiver of Kadlic to be cube like and raised to at least the height of the outlet as taught by Nicoletti because it allows a card to be picked up instead of slid out.

(Re claim 19) Kadlic discloses “a container for storing cards an shaped as a cuboid block having side walls surrounding and enclosing the cards” (12 figure 1). “closed at a front by an inclined front plate (35 figure 1) having a hole with rectangular outlet at a bottom (28 figure 1) and a narrower opening at a top (32 figure 1). “an inclined block having an upper surface” (40 figure 4). “a receiver ... receiver with the inclined block creates an integral unit” (28 figure 4).

Kadlic does not disclose the receiver being shaped as a cube, where the receiver is raised to at least the height of the bottom of the outlet.

Nicoletti teaches the receiver being cube like in shape and being at least a height of the bottom outlet.

It would be obvious to one skilled in the art to modify the receiver of Kadlic by making its receiver more cube shaped and raising it to a height at least of that of the bottom of the outlet as taught by Nicoletti because it allows for a card to be picked up instead of slid out.

(Re claim 20) “inclined block and the receiver creates an integral unity” (40 figure 4, Kadlic; 27 figure 5, Nicoletti).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPNs Des.132,360, 6,637,622 and Des.274,069.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy R. Waggoner whose telephone number is (571) 272-8204. The examiner can normally be reached on Mon-Thu 8am-2pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TRW


GENE O. CRAWFORD
SUPERVISORY PATENT EXAMINER